PATENT APPLICATION
Do. No. 2705-92

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Prasad Y. Chebrolu

Serial No.   09/431,357   Examiner: Andres T. Caldwell

Confirmation No. 8571

Filed: November 1, 1999   Group Art Unit: 2154

For: LOW-IMPACT METHOD AND APPARATUS FOR MAINTAINING NETWORK
ACCESS SERVERS

BOX AF
Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME A CITED PUBLICATION (37 C.F.R. 1.131)

1.   This declaration is to establish completion of the invention in this application in the
United States at a data prior to April 5, 1999 ("Priority Date"), that is the publication
date of M Fratto, *Accessing the Enterprise: Large-Scale RAS To The Rescue,*
Network Computing, April 5, 1999 ("Fratto II"), cited against applicant's claims by
the Examiner.

2.   The person making this declaration is the sole inventor in this application:

Prasad Y. Chebrolu.

3.   To establish the date of reduction to practice of the invention of this application, the
following attached document is evidence:

Exhibit A. Written Cisco invention description dated 28 March 1999
constituting conception of the invention prepared before the Priority Date and titled
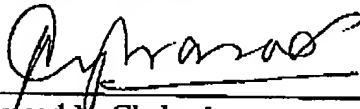"Method for implementing zero down time for Access Servers."

Exhibit B. Written Cisco Atlantis Execution Commit Agenda (only pertinent pages 1, 11 and 14 attached; this document being company confidential and only those attached pages being relevant) originally dated November 19, 1998 (and subsequently revised as commitments were met) showing that the busyout mechanism was one software feature bundled into a new product release called Atlantis and showing also a continuum of committed and subsequently achieved product development milestones along the development path of the busyout mechanism that represents an embodiment of the invention diligently reduced to practice in accordance with Cisco's AS5400 product release strategy.

Exhibit C. Written Cisco source code listing of "as_busyout.c -- Slot busyout command processing" implementation of applicant's invention after conception illustrating diligent reduction to practice.

4.   These documents evidence that the invention in this application represented by pending claims 1-17 was conceived before the Priority Date and was diligently reduced to practice thereafter no later than the November 1, 1999 filing date of the instant patent application.

5.   This declaration is submitted with the accompanying Amendment responsive to the Office Action of March 3, 2003, and is for the purpose of overcoming certain claims rejections made therein.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature _____   Dated:____9/3/2003____

                            Prasad Y. Chebrolu

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